

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN JIM PETERSON**, on February 14, 2005 at 3:00 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Peterson, Chairman (R)  
Rep. Christopher Harris, Vice Chairman (D)  
Rep. John (Jack) W. Ross, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Norma Bixby (D)  
Rep. Dee L. Brown (R)  
Rep. Paul Clark (D)  
Rep. Sue Dickenson (D)  
Rep. George Everett (R)  
Rep. Kevin T. Furey (D)  
Rep. Gail Gutsche (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Rick Maedje (R)

**Members Excused:** None.

**Members Absent:** Rep. Carol Lambert (R)  
Rep. Veronica Small-Eastman (D)  
Rep. David E. Wanzenried (D)

**Staff Present:** Joe Kolman, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 360, 2/5/2005; HB 606,  
2/10/2005; HB 612, 2/10/2005; HB  
608, 2/10/2005

Executive Action: HB 450; HB 453; HB 455; HB 491

**HEARING ON HB 360**

**Opening Statement by Sponsor:**

00:03:18 REP. VERDELL JACKSON (R), HD 6, opened the hearing  
on HB 360, Subordinate power generation water  
rights.

[EXHIBIT \(nah36a01\)](#)

[EXHIBIT \(nah36a02\)](#)

**Proponents' Testimony:**

00:13:43 Carl Schweitzer, Kalispell Chamber of Commerce

**Opponents' Testimony:**

00:15:20 R. Blair Strong, Attorney, Spokane, representing  
Avista Corporation

00:29:18 Holly Franz, Water Rights Attorney, representing  
PPL Montana

[EXHIBIT \(nah36a03\)](#)

00:30:42 Mike Murphy, Montana Water Resources Association

00:31:18 John Youngberg, Montana Farm Bureau Federation

**Informational Testimony:**

00:32:02 Tim Hall, Attorney, Department of Natural  
Resources

**Questions from Committee Members and Responses:**

00:32:47 REP. EVERETT

00:34:29 REP. FUREY

00:35:43 REP. BARRETT

00:37:25 REP. HARRIS

00:41:29 REP. JOPEK

00:44:30 REP. HEINERT

00:46:15 REP. CLARK

00:51:50 REP. HEINERT

**Closing by Sponsor:**

00:57:26 REP. VERDELL JACKSON (R), HD 6 closed the hearing  
on HB 360.

**HEARING ON HB 608**

**Opening Statement by Sponsor:**

01:01:51      **REP. VERDELL JACKSON (R), HD 6**, opened the hearing on **HB 608**, Require measurable adverse impact when addressing new appropriation right.

**EXHIBIT (nah36a04)**

**Proponents' Testimony:**

01:05:05      Marc M. Spratt, Hydrologist, Kalispell

**EXHIBIT (nah36a05)**

01:09:06      John Bloomquist, Attorney, representing Montana Stockgrowers Association

01:11:48      Mike Murphy, Montana Water Resources Association

01:12:09      John Youngberg, Montana Farm Bureau Federation

01:12:27      Bruce Tutvedt, Rancher, Western Montana Stockgrowers Association

**Opponents' Testimony:**

01:12:55      Holly Franz, PPL of Montana

01:15:51      Tim Hall, Attorney, Montana Department of Natural Resources

01:19:20      Walt Sales, Water Right Owner, Gallatin Valley

01:20:45      R. Blair Strong, Attorney, Spokane, representing Avista Corporation

**Informational Testimony:**      None.

**Questions from Committee Members and Responses:**

01:22:59      **REP. EVERETT**

01:25:56      **REP. CLARK**

01:28:46      **REP. BARRETT**

01:31:58      **REP. JOPEK**

01:35:17      **REP. CLARK**

**Closing by Sponsor:**

01:37:46      **REP. VERDELL JACKSON (R), HD 6** closed the hearing on **HB 608**.

01:38:36      Break

01:50:43      Resume

**HEARING ON HB 606****Opening Statement by Sponsor:**

01:51:15        **REP. GAIL GUTSCHE (D), HD 99**, opened the hearing on **HB 606**, Small miner using impoundment to store ore processing waste must obtain permit.

**Proponents' Testimony:**

01:53:40        Elizabeth Green, Rancher, Cottonwood Resource Council, Northern Plains

**EXHIBIT (nah36a06)**

01:56:26        Karen Hauge, Big Timber

**EXHIBIT (nah36a07)**

01:59:27        Bill Ralph, mine site adjacent property owner

**EXHIBIT (nah36a08)**

**EXHIBIT (nah36a09)**

02:01:32        Pat Dopler, Red Lodge, Contractor, Owner, Red Lodge Glass

**Opponents' Testimony:**

02:02:46        Russ Hage, Missoula

02:03:36        Ted Antonoli, Missoula, Miner

02:10:00        Rich Geordge, Gold Mine operator, White Sulfer Springs

02:12:02        Clarence Taber, Flathead, Northwest Montana Gold Prospectors

02:14:23        Delbert Hunt, miner

02:14:58        Alan Gilda, small miner, near Marysville

**EXHIBIT (nah36a10)**

02:19:10        Robin McCulloch, Montana Mining Association

02:22:03        Don Allen, Western Environmental Trade Association

**Informational Testimony:**

02:22:31        Warren McCullough, Montana Department of Environmental Quality

**Questions from Committee Members and Responses:**

02:22:57        **REP. EVERETT**

02:24:19        **REP. HEINERT**

02:24:57        **REP. BROWN**

02:26:08        **REP. FUREY**

02:28:43        **REP. HEINERT**

02:29:24        **REP. CLARK**

02:32:30        **REP. HARRIS**

02:33:44        **REP. FUREY**

02:35:07        **REP. JOPEK**

02:38:34        **REP. ROSS**

**Closing by Sponsor:**

02:40:00      **REP. GAIL GUTSCHE (D), HD 99** closed the hearing on  
HB 606.

**HEARING ON HB 612**

**Opening Statement by Sponsor:**

02:42:35      **REP. RICK MAEDJE (R), HD 2,** opened the hearing on  
HB 612, Revise application procedures for  
commercial timer removal.

**Proponents' Testimony:**

02:55:37      Kathy Bramer, representing Montana State  
Superintendent of Public Instruction Linda  
McCulloch  
02:57:47      Jason Todhunter, Montana Logging Association  
02:59:17      Ellen Engstedt, Montana Wood Products Association  
03:00:23      Don Allen, Western Environmental Trade Association

**Opponents' Testimony:** None.

**Informational Testimony:**

03:01:07      Tom Schultz, Montana Department of Natural  
Resources

**Questions from Committee Members and Responses:**

03:03:13      **REP. BROWN**  
03:04:09      **REP. CLARK**  
03:08:24      **REP. HEINERT**  
03:08:49      **REP. DICKENSON**  
03:10:40      **REP. HARRIS**  
03:13:39      **REP. JOPEK**

[\*\*EXHIBIT\*\*](#)(nah36a11)

03:15:31      **REP. BARRETT**

**Closing by Sponsor:**

03:16:36      **REP. RICK MAEDJE (R), HD 2,** closed the hearing on  
HB 612.

**EXECUTIVE ACTION ON HB 450**

03:18:49      **Motion:**    **REP. JOPEK** moved that HB 450 DO PASS.

03:19:34      **Motion:**    **REP. JOPEK** moved that HB 450 BE AMENDED.

[\*\*EXHIBIT\*\*](#)(nah36a12)

**Discussion:**

03:20:52      Joe Kolman, Legislative Services Division  
03:21:19      **REP. DICKENSON**

03:21:45 **Vote:** Motion carried unanimously by voice vote.

03:22:06 **Motion:** REP. JOPEK moved that HB 450 DO PASS AS AMENDED.

**Discussion:**

03:22:49 REP. BROWN

03:23:29 **Vote:** Motion carried 17-1 by voice vote with REP. BROWN voting no and REPS. LAMBERT, WANZENRIED, SMALL-EASTMAN, CLARK and EVERETT voting by proxy.

**EXECUTIVE ACTION ON HB 453**

03:24:41 **Motion:** REP. FUREY moved that HB 453 DO PASS.

03:25:14 REP. CLARK arrived at committee meeting.

03:25:39 **Motion:** REP. FUREY moved that HB 453 BE AMENDED.  
**EXHIBIT**(nah36a13)

**Discussion:**

03:25:44 REP. BROWN

03:26:57 Joe Kolman, Legislative Services Division

03:27:13 **Vote:** Motion carried by voice vote.

03:27:39 **Motion:** REP. FUREY moved that HB 453 DO PASS AS AMENDED.

**Discussion:**

03:27:49 CHAIRMAN PETERSON

03:29:08 REP. BARRETT

03:29:30 REP. MAEDJE

03:30:32 REP. HARRIS

03:31:00 REP. ROSS

03:31:43 REP. DICKENSON

03:32:52 REP. HARRIS

03:33:34 REP. JOPEK

03:34:18 REP. FUREY

03:35:12 REP. GUTSCHE

03:36:09 REP. ROSS

03:36:53 REP. HARRIS

03:37:33        Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT, WANZENRIED, LAMBERT and SMALL-EASTMAN voting by proxy.

EXECUTIVE ACTION ON HB 455

03:39:09        Motion: REP. CLARK moved that HB 455 DO PASS.  
[EXHIBIT](#) (nah36a14)

03:40:31        Motion: REP. CLARK moved that HB 455 BE AMENDED.  
[EXHIBIT](#) (nah36a15)  
[EXHIBIT](#) (nah36a16)

Discussion:  
03:47:52        REP. ROSS

03:49:18        Vote: Motion carried by voice vote.

03:49:33        Motion: REP. CLARK moved that HB 455 DO PASS AS AMENDED.

Discussion:  
03:49:51        REP. DICKENSON  
03:56:11        REP. MAEDJE  
03:56:35        REP. FUREY  
03:57:34        REP. BROWN  
03:58:40        REP. HEINERT  
04:06:06        REP. MAEDJE  
04:07:53        REP. HARRIS  
04:09:41        REP. BARRETT  
04:11:16        REP. JOPEK  
04:12:04        REP. CLARK  
04:16:23        REP. JONES

04:17:48        Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT, WANZENRIED, LAMBERT and SMALL-EASTMAN voting by proxy.

EXECUTIVE ACTION ON HB 491

04:19:11            Motion:    REP. BIXBY moved that HB 491 DO PASS.

04:21:00            Motion:    REP. BIXBY moved that HB 491 BE AMENDED.

[EXHIBIT](#) (nah36a17)

[EXHIBIT](#) (nah36a18)

[EXHIBIT](#) (nah36a19)

04:21:07            Vote:    Motion carried by voice vote.

04:21:23            Motion:    REP. BIXBY moved that HB 491 DO PASS AS  
AMENDED.

Discussion:

04:21:36            REP. BIXBY

04:24:55            REP. HEINERT

04:26:06            REP. DICKENSON

04:29:37            Vote:    Motion failed 9-9 by roll call vote with  
REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE,  
HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED  
voting aye and REPS. EVERETT, WANZENRIED, LAMBERT  
and SMALL-EASTMAN voting by proxy.

04:31:17



**ADJOURNMENT**

Adjournment: 7:45 P.M.

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REP. JIM PETERSON, Chairman

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DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

**EXHIBIT ([nah36aad0.TIF](#))**